

May 20, 2004

ENERGY & ENVIRONMENT  
COMMITTEE  
REPORT NO. 7

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.
  - a. Item Page -2004 (Comm. 9M-7)  
**NYS DEPARTMENT OF AGRICULTURE & MARKETS:** Law 3003-b: Land Owner Requests for Inclusion of Predominantly Viable Agricultural Land in an Agricultural District.  
(5-0)
  - b. Item Page -2004 (Comm. 9M-8)  
**ERIE COUNTY WATER AUTHORITY:** Audited Financial Statements for Year Ended 12/31/03.  
(5-0)
  - c. Item Page -2004 (Comm. 10E-25)  
**COUNTY EXECUTIVE:** ECSD No. 2 – EC Sewer Agency Report – Increase & Improvement of Facilities.  
(5-0)
  - d. Item Page -2004 (Comm. 10E-26)  
**COUNTY EXECUTIVE:** EC Southtowns Sewage Treatment Agency Report – Increase & Improvement of Facilities.  
(5-0)
  - e. Item Page -2004 (Comm. 10M-3)  
**NYSDEC:** SEQR – ECSD No. 2 Pump Station & Force Main Improvements.  
(5-0)
  - f. Item Page -2004 (Comm. 10M-4)  
**REFOREST BUFFALO:** City of Buffalo Forester.  
(5-0)

**AS AMENDED**

2. Item Page -2004 (Intro. 8-3)  
**MINORITY CAUCUS, DUSZA, KUWIK & MARINELLI**  
WHEREAS, in New York State about 25 percent of the state's land area, or 7.6 million acres are used by 37,000 farms to produce a very diverse array of food products, and

WHEREAS, agricultural production returned over \$3 billion to the farm economy in 2002,  
and

WHEREAS, local government officials must continually be aware of the impact farming has on the economy, the environment and the quality of life in our communities, and

WHEREAS, in 2001 Saratoga Associates issued a report on the connection between the rate of development growth and the amount of farmland lost, and

WHEREAS, in 2003 the New York State Advisory Council on Agriculture (ACA) undertook their own study and formed a steering committee to analyze and begin to deal with the factors that are leading to the conversion of farmland, and

WHEREAS, the ACA cited three areas that must be focused on to protect farmland:

1. That those involved in agriculture need better information and more accessibility to economic development programs and monies;
2. A better effort needs to be made to get and keep local officials engaged in the effort to maintain agriculture as a local industry;
3. New York State could make a larger contribution to local efforts to protect farming by expanding the resources and incentives for farmland protection available to communities and landowners, and

WHEREAS, the Erie-Niagara Framework for Regional Growth is currently analyzing pertinent data in relation to "urban sprawl" and its effects on rural farmland, and

WHEREAS, there are numerous programs, incentives, exemptions and initiatives in New York State to protect farmland and help farmers remain economically viable, including: the Agriculture Assessment Program, Farm Building Exemptions, the Farmer's School Tax Credit, the Forest Land Exemption, Historic Barns Protection Program, the Replanted or Expanded Orchards and Vineyards Incentive, Sales Tax Exemptions, the New York State Farmland Protection Program, New York Farmlink, the Agriculture Environmental Management Program, the Agricultural Management Assistance Program, the Conservation Security Program, Environmental Quality Incentive, the Forest Land Enhancement Program, as well as other federal programs, incentives and exemptions, and

WHEREAS, most recently, the New York State 2004 budget proposed to divide up the Farmland Protection funding by distributing \$3 million for the protection of farmland on Long Island, nearly \$1.5 million for the Capital Region, more than \$2.4 million for the Hudson Valley, \$2.2 for the North Country, \$2.2 million for Central New York and \$800,000 for Western New York, and

WHEREAS, there are a number of proposed bills in both the New York State Assembly and Senate that would provide additional assistance to farmers and protect farmland, including, but not limited to: A.1787; S.3593; A.1414; S.0745; A.1793; S.0599; A.1976; S.1029; and A.2083; S.1163-A, and

WHEREAS, while many circumstances that influence the economics of farming in New York State are beyond the purview of local and county officials, it is time to discuss what can be done to assure the economic viability of farms and the protection of environmentally significant farmland in Erie County,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature is committed to protecting farmland and providing agricultural opportunities for farmers in Erie County, and be it further

RESOLVED, that this Honorable Body asks the Chair of the Energy and Environment Committee to invite the Supervisors of the Towns of Amherst, Alden, Aurora, Boston, Brant, Cheektowaga, Clarence, Colden, Collins, Concord, Eden, Elma, Evans, Hamburg, Holland, Lancaster, Marilla, Newstead, North Collins, Orchard Park, Sardinia and Wales, Members or representatives of the Western New York Delegation to the New York State Legislature, along with representatives from the Erie County Department of Environment and Planning and the New York State Department of Environmental Conservation to a future committee meeting of the Erie County Legislature's Energy and Environment Committee to discuss plans to better serve our farmers and protect farmland, and be it further

RESOLVED, that this Honorable Body implores the New York State Legislature and the Governor to continue to offer programs, incentives and initiatives that will protect farm land and sustain the economic viability of farming, especially in Erie County and Western New York, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor George Pataki, the Western New York Delegation to the New York State Legislature, the Supervisors of Amherst, Alden, Aurora, Boston, Brant, Cheektowaga, Clarence, Colden, Collins, Concord, Eden, Elma, Evans, Hamburg, Holland, Lancaster, Marilla, Newstead, North Collins, Orchard Park, Sardinia and Wales, the Commissioner of Environment and Planning and the New York State Department of Environmental Conservation.

Fiscal Impact: POSITIVE FOR ERIE COUNTY FARMERS  
(5-0)

3. Item Page -2004 (Comm. 10E-24)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County/Southtowns Sewage Treatment Agency (SSTA) has determined the need to perform engineering services to address the need for additional capacity and upgrading at the SSTA Plant; and

WHEREAS, the Erie County/Southtowns Sewage Treatment Agency and the Department of Environment & Planning have solicited proposals from qualified engineering firms and ranked them in accordance with the Administrative Code; and

WHEREAS, the first ranked firm of Stearns & Wheler, LLC, University Centre, Suite 100, 415 North French Road, Amherst, New York is recommended to perform engineering services related to the Phase II design for the upgrading of the Southtowns Plant at a cost not to exceed \$1,350,000.00.

NOW, THEREFORE, BE IT

RESOLVED, that an agreement for engineering services with Stearns & Wheler, LLC, University Centre, Suite 100, 415 North French Road, Amherst, New York in an amount not to exceed \$1,350,000.00 is hereby approved; and be it further

RESOLVED, that the County Executive, be and hereby is, authorized to execute the contract with Stearns & Wheler, LLC, subject to approval as to form by the County Attorney and certification of availability of funds from the Project Fund Balance or an authorized advance from the General Fund by the Comptroller's Office; and be it further

RESOLVED, that the County Comptroller be authorized and directed to allocate \$1,350,000.00 from Erie County/Southtowns Sewage Treatment Agency Sewer Capital Account C.00038 (Capital Account Fund 430, Project 915) to cover phase II, engineering services; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send a certified copy of the resolution to Joel A. Giambra, County Executive, Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, Gregory J. Dudek, Assistant County Attorney, Nancy Naples, Erie County Comptroller, and Joseph Passafiume, Director of Budget, Management and Finance.

(5-0)

#### **AS AMENDED**

4.      Item                      Page                      -2004                      (Intro. 10-4)  
**McCARVILLE, CHASE, MARSHALL, RANZENHOFER, SWANICK, DUSZA,**  
**KUWIK & MARINELLI**

WHEREAS, the agricultural industry is highly dependent on agricultural machinery, including: tractors, combines, balers and other highly specialized equipment, and

WHEREAS, currently, there is no law in New York State to ensure that agricultural equipment purchased by farmers is protected by warranty, and

WHEREAS, consumers who purchase automobiles are protected by "Lemon Laws," which are designed to safeguard consumers who buy or lease vehicles with serious defects, and

WHEREAS, as highlighted in a recent Buffalo News article (May 10, 2004, Section C-1), the economic effects of broken down machinery would be mitigated by a "Lemon Law" that protects farm equipment, and

WHEREAS, currently at least six other states cover farm machinery under their "Lemon Laws" and,

WHEREAS, there is pending legislation (S. 6581 & A. 9510) in the New York State Senate and Assembly which would amend the current general business law and put in place a statute that would allow farmers protection on the equipment that they purchase for one year from the date the equipment is delivered, and

WHEREAS, during the grace period, farmers could get their lemon replaced or money refunded if it cannot be fixed in a reasonable amount of time or if the equipment is out of service for more than one month,

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature is committed to protecting consumer rights and particularly the rights of farmers, and be it further

RESOLVED, this Honorable Body asks the New York State Legislature to pass Senate Bill 6581 and Assembly Bill 9510 and the Governor to sign into law this legislation, which will include farm machinery under the current "Lemon Law," and be it further

RESOLVED, that certified copies of this resolution be forwarded to New York State Governor George E. Pataki, New York State Senate Majority Leader Joseph L. Bruno, New York State Assembly Speaker Sheldon Silver and the Western New York delegation to the New York State Legislature.

Fiscal Impact: Positive for Erie County Farmers  
(5-0)

**RAYMOND K. DUSZA**  
**CHAIRMAN**